DETAILED ACTION

Status of Claims

1.   Claims 1-10, 17-25 have been examined.

2.   Claims 11-16 have been cancelled.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-10 and 17-25 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Maes (US 2002/0002502) in view of Shultz (US 2003/0061211).

        Referring to Claim 1, the combination teaches an online shopping method,

comprising:

- generating article data having features extracted from an article picture

  related to a data sending rank (*see Maes ¶0048-0051 and ¶0057-0059,*

  products or articles have attributes (features) that define the order in which

  the products are presented to the user);

- generating article picture arrangement data in which said search resultant

  article pictures having more similar features extracted from corresponding

  article pictures are more closely disposed on a two-dimensional plane (*see*

  Maes ¶0048-0051 and ¶0057-0059);

- sending the article picture arrangement data to a user terminal, said article
  picture arrangement data indicating display positions of said search resultant
  article pictures on a screen of the user terminal, and said display positions
  being independent of the data sending rank (*see Maes ¶0048-0051 and*
  ¶0057-0059);

Maes does not explicitly teach that the "data sending rank defines an order in which
said article picture is to be sent", "determining similarities between features among a
plurality of search resultant article pictures in response to an article search by a user",
"sending the search resultant article pictures in accordance with said order of the data
sending rank which is defined prior to said article search", and "displaying each of the
search resultant article picture at each display position in accordance with the article
picture arrangement data on the screen of the user terminal as initial search results in a
receiving order, thereby displaying an article picture with a higher data sending rank
earlier at the display position".

   Shultz, in an analogous art, teaches that the "data sending rank defines an order
in which said article picture is to be sent" (*see Shultz ¶0060-0061, specifically ¶0060*
lines 1-3 states that information may be stored according to a predefined sorting
routine), "determining similarities between features among a plurality of search resultant
article pictures in response to an article search by a user" (*see Shultz ¶0060, where*
matching between user input and attributes is performed based on various criteria),
"sending the search resultant article pictures in accordance with said order of the data
sending rank which is defined prior to said article search" (*see Shultz ¶0060-0061,*

specifically ¶0060 lines 1-3 states that information may be stored according to a

predefined sorting routine), and "displaying each of the search resultant article picture at

each display position in accordance with the article picture arrangement data on the

screen of the user terminal as initial search results in a receiving order, thereby

displaying an article picture with a higher data sending rank earlier at the display

position" (*see Shultz ¶0060-0061, where a ranking of the search results are presented*

to the user). The Examiner notes, Shultz discloses a method wherein information may

subsequently be sorted according to user preference and/or a predefined search result

sorting routine. Such sorting may pertain to specific sorting criteria, for example, by

order of importance, relevance or hierarchy of the information retrieved from database

133. Example sorting criterion might include, a distance from the user identified location

(e.g., step 232), corresponding advertising information (e.g., step 234) and/or business

information (e.g., step 236). Business information may be sorted according to various

criteria, for example, alphabetical criteria, such as by the name of the business, size

criteria, such as the size of the business, price criteria, time criteria, event criteria, or

any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the

time of the invention was made, it would have been obvious to a person of ordinary skill

in the art to have modified the system of Maes to have included the teachings of Shultz

because, unfortunately conventional search engines often return a wide range of

unusable search results (Shultz: paragraph 0006).

Referring to Claim 2, the combination teaches an online shopping method

according to claim 1, wherein the article picture arrangement data is generated in

accordance with a combination of a similarity of a feature of each resultant article

picture and at least any one selected from the group consisting of a keyword

representing the feature of the article, and article classification information regarding

classification of the article (*see Maes ¶0048-0052*).

Referring to Claim 3, the combination teaches an online shopping method

according to claim 2, wherein the data sending rank is determined by an article provider

(*see Maes ¶0050*).

Referring to Claim 4, the combination teaches an online shopping method

according to claim 2, wherein a service user previously selects items to be considered

in purchasing an article and notifies a service provider of the selection, and the service

provider determines the data sending rank in accordance with the notified items (*see

Maes ¶0054*).

Referring to Claim 5, the combination teaches an online shopping method

according to claim 2, wherein a service provider previously analyzes items considered

by a service user based on a past search history and a past purchase history of the

service user, and the service provider determines the data sending rank in accordance

with the analyzed items (*see Maes ¶0097*).

Referring to Claim 6, the combination teaches an online shopping method

according to claim 2, wherein a screen of article search results is presented to an article

provider, and the article provider specifies a picture of an article which the article

provider provides on the presented screen of article search results, thereby making it

possible to access selling information of the article (*see Maes Fig. 3-6*).

Referring to Claim 7, the combination teaches an online shopping method according to claim 1, wherein the data sending rank is determined by an article provider (*see Maes ¶0048-0052*).

Referring to Claim 8, the combination teaches an online shopping method according to claim 1, wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (*see Maes ¶0054-0055*).

Referring to Claim 9, the combination teaches an online shopping method according to claim 1, wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (*see Maes ¶0097*).

Referring to Claim 10, the combination teaches an online shopping method according to claim 1, wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (*see Maes Fig. 3-6*).

Referring to Claims 17-20, these claims are rejected under the same rationale as set forth above in claims 1-10.

Referring to Claims 21-22, these claims are rejected under the same rationale as set forth above in claims 1-10.

Referring to Claim 23, this claim is rejected under the same rationale as set forth above in claims 1-10.

Referring to Claim 24, this claim is rejected under the same rationale as set forth above in claims 1-10.

Referring to Claim 25, this claim is rejected under the same rationale as set forth above in claims 1-10.

Response to Arguments

5.   Applicant's arguments filed 11/03/2008 have been fully considered but they are not persuasive.

6.   Applicant respectfully argues that Maes and Shultz do not teach "data sending rank defining an order in which the pictures are sent". The Examiner respectfully disagrees. Shultz teaches two types of data sending ranks. A first data sending rank in the form of a predefined sort order (*see Shultz ¶0060 line 3*) and a second data sending rank in the form of a subsequent user defined sort order (*see Shultz ¶0060 lines 1-2*). The first data sending rank, defining the default order in which the pictures are to be sent, is constant with the interpretation provided by Applicant in the interview on 06/01/2008. Therefore, the Examiner is not persuaded by Applicant's argument.

Applicant respectfully argues that Maes and Shultz do not teach "article picture arrangement data". The Examiner respectfully disagrees. Shultz teaches two types of data sending ranks. A first data sending rank in the form of a predefined sort order (*see Shultz ¶0060 line 3*) and a second data sending rank in the form of a subsequent user

defined sort order (*see Shultz ¶0060 lines 1-2*). The second data sending rank, which affects the article picture arrangement data, is consistent with the interpretation provided by Applicant in the interview on 06/01/2008. Therefore, the Examiner is not persuaded by Applicant's argument.

Applicant respectfully argues that Maes and Shultz do not teach that the data sending rank is independent of the arrangement data. The Examiner respectfully disagrees. The substance of the 06/01/2008 interview focused on what the term "independent" meant in the abovementioned context. The Applicant explained that figure 1 has two sending parts, specifically items 213 and 260. The online shopping method of claim 1 has an initial, default, sending rank (ex., date) which can be changed to a different sending rank (ex., relevance) before the data is sent to the user. Thus, the limitation "said display positions being independent of the data sending rank" refers to the original, default, sending rank in figure 1 item 213 and not sending rank 260 which is the same as the display order.

Shultz teaches an initial, default, sending rank (*see Shultz ¶0060 line 3*) which can be changed to a second, custom, sending rank (*see Shultz ¶0060 lines 1-2*). Because the display order is no longer sorted according to the initial, default, sending rank but now according to the second, custom, sending rank, the display order has changed and is therefore independent of the initial sending rank.

For these reasons, the Examiner is not persuaded by Applicant's arguments.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW ZIMMERMAN whose telephone number is

(571)270-5278. The examiner can normally be reached on Mon-Thu 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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